



General Assembly

Substitute Bill No. 465

February Session, 2002

***AN ACT CONCERNING WASTEWATER DISCHARGES IN DRINKING
WATER SUPPLY WATERSHEDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22a-430 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2002*):

4 (b) The commissioner, at least thirty days before approving or
5 denying a permit application for a discharge, shall publish once in a
6 newspaper having a substantial circulation in the affected area notice
7 of (1) the name of the applicant; (2) the location, volume, frequency
8 and nature of the discharge; (3) the tentative decision on the
9 application, and (4) additional information the commissioner deems
10 necessary to comply with the federal Clean Water Act (33 USC 1251 et
11 seq.). There shall be a comment period following the public notice
12 during which period interested persons and municipalities may
13 submit written comments. After the comment period, the
14 commissioner shall make a final determination either that (A) such
15 discharge would not cause pollution of any of the waters of the state,
16 in which case he shall issue a permit for such discharge, or (B) after
17 giving due regard to any proposed system to treat the discharge, that
18 such discharge would cause pollution of any of the waters of the state,
19 in which case he shall deny the application and notify the applicant of
20 such denial and the reasons therefor, or (C) the proposed system to

21 treat such discharge will protect the waters of the state from pollution,
22 in which case he shall, except as provided pursuant to subsection (j) of
23 this section, require the applicant to submit plans and specifications
24 and such other information as he may require and shall impose such
25 additional conditions as may be required to protect such water, and if
26 the commissioner finds that the proposed system to treat the
27 discharge, as described by the plans and specifications or such other
28 information as may be required by the commissioner pursuant to
29 subsection (j) of this section, will protect the waters of the state from
30 pollution, he shall notify the applicant of his approval and, when such
31 applicant has installed such system, in full compliance with the
32 approval thereof, the commissioner shall issue a permit for such
33 discharge, or (D) the proposed system to treat such discharge, as
34 described by the plans and specifications, will not protect the waters of
35 the state, in which case he shall promptly notify the applicant that its
36 application is denied and the reasons therefor. No permit shall be
37 issued for a discharge into a drinking water supply watershed unless
38 the commissioner determines the discharge is consistent with the state
39 plan of conservation and development and the applicant submits to
40 the commissioner a copy of a valid certificate of zoning approval,
41 special permit, special exception or variance, or other documentation,
42 establishing that the project producing the treatment and disposal
43 system and discharge complies with the zoning requirements adopted
44 pursuant to chapter 124 or any special act by the municipality in which
45 such discharge is located. The commissioner shall, by regulations
46 adopted in accordance with the provisions of chapter 54, establish
47 procedures, criteria and standards as appropriate for determining if (i)
48 a discharge would cause pollution to the waters of the state, and (ii) a
49 treatment system is adequate to protect the waters of the state from
50 pollution. Such procedures, criteria and standards may include
51 schedules of activities, prohibitions of practices, operating and
52 maintenance procedures, management practices and other measures to
53 prevent or reduce pollution of the waters of the state, provided the
54 commissioner in adopting such procedures, criteria and standards
55 shall consider best management practices. The regulations shall specify

56 the circumstances under which procedures, criteria and standards for
 57 activities other than treatment will be required. For the purposes of
 58 this section, "best management practices" means those practices which
 59 reduce the discharge of waste into the waters of the state and which
 60 have been determined by the commissioner to be acceptable based on,
 61 but not limited to, technical, economic and institutional feasibility. Any
 62 applicant, or in the case of a permit issued pursuant to the federal
 63 Water Pollution Control Act, any person or municipality, who is
 64 aggrieved by a decision of the commissioner where an application has
 65 not been given a public hearing shall have the right to a hearing and an
 66 appeal therefrom in the same manner as provided in sections 22a-436
 67 and 22a-437. Any applicant, or in the case of a permit issued pursuant
 68 to the federal Water Pollution Control Act, any person or municipality,
 69 who is aggrieved by a decision of the commissioner where an
 70 application has been given a public hearing shall have the right to
 71 appeal as provided in section 22a-437. The commissioner may, by
 72 regulation, exempt certain categories, types or sizes of discharge from
 73 the requirement for notice prior to approving or denying the
 74 application if such category, type or size of discharge is not likely to
 75 cause substantial pollution. The commissioner may hold a public
 76 hearing prior to approving or denying any application if in his
 77 discretion the public interest will be best served thereby, and he shall
 78 hold a hearing upon receipt of a petition signed by at least twenty-five
 79 persons. Notice of such hearing shall be published at least thirty days
 80 before the hearing in a newspaper having a substantial circulation in
 81 the area affected.

This act shall take effect as follows:	
Section 1	October 1, 2002

PD *Joint Favorable Subst.*

ENV *Joint Favorable*